

क्रमांक 1227-ज(I)-77/18319.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और उस में आज तक संशोधन किया गया है) की धारा 2(ए)(1) तथा 3(1) के अनुसार सौंपे गये अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल श्रीमती सन्दर्भ देवी, विद्वा श्री दीलत राम, यमुनानगर निवासी, तहसील जगाधरी, जिला अम्बाला, को घरी, 1969 से रवी, 1970 तक 100 रुपये वार्षिक तथा खरीफ, 1970 से 150 रुपये वार्षिक कीमत वाली युद्ध जागीर सनद में दी गई जर्ती के अनुसार सहर्ष प्रदान करते हैं।

क्रमांक 1223-ज(I)-77/18323.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और उस में आज तक संशोधन किया गया है) की धारा 2(ए)(1) तथा 3(1) के अनुसार सौंपे गये अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल श्री हर किशन, पुत्र श्री गणेशी, गांव देहलावास गुलाबपुरा, तहसील रिवाड़ी, जिला महेन्द्रगढ़, को रवी, 1973 से 150 रुपये वार्षिक कीमत वाली युद्ध जागीर सनद में दी गई जर्ती के अनुसार सहर्ष प्रदान करते हैं।

क्रमांक 1225-ज(I)-77/18327.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और उस में आज तक संशोधन किया गया है) की धारा 2(ए)(1) तथा 3(1) के अनुसार सौंपे गये अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल श्री नत्यू राम, पुत्र श्री हेत राय, गांव लालपुर को ढाणी, तहसील रिवाड़ी, जिला महेन्द्रगढ़, को रवी, 1973 से 150 रुपये वार्षिक कीमत वाली युद्ध जागीर सनद में दी गई जर्ती के अनुसार सहर्ष प्रदान करते हैं।

यशवन्त कुमार जैन,
विशेष कार्य अधिकारी, हरियाणा सरकार,
राजस्व विभाग।

IRRIGATION & POWER DEPARTMENT

The 20th July, 1977

No. 7264-PWII(2)-77/21803.—In exercise of the powers conferred by sub-section (2) of section 5 of the Electricity (Supply) Act, 1948 (Central Act 54 of 1948), read with rule 3 of the Haryana State Electricity Board, Rules, 1959, the Governor of Haryana hereby appoints with immediate effect Sh. Uda Ram, son of Sh. Basti Ram Vairagi, Advocate, Sirsa, as non-official part-time Member of Haryana State Electricity Board for a period of five years.

P. P. CAPRIHAN,
Financial Commissioner & Secy.

IRRIGATION DEPARTMENT

The 12th July, 1977

No. 6101/44/W/5-M.—Whereas the Governor of Haryana is satisfied that the land specified below is needed urgently by the Government, at public expense, namely, land to be acquired for Extension of Rajpura Sub-Minor from R.D. 6500 to R.D. 16,000 in villages Tigrana, Rajpura, Kharkhari and Bapura in tehsil Bhiwani, district Bhiwani, for which Notification has been issued under sub-section (4) of Section 17 read with clause (c) of sub-section (2) of section of the said act and published,—*vide* Haryana Government Notification No. 802/44/W/5-M, dated 1st February, 1977, in *Haryana Government Gazette*, Part I, it is hereby declared that the land described in the specification below is required urgently for the above purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, for the information of all to whom it may concern.

The plans of the land may be inspected in the offices of Land Acquisition Collector, P.W.D. (Irrigation Department), Rohtak and the Executive Engineer, Bhiwani Irrigation Division, Bhiwani.

SPECIFICATION

District	Tehsil	Name of Village	Area in Acres	Boundary
Bhiwani	Bhiwani	Tigrana	5.74	A strip of land in 9,500 feet in length varying in width lying generally in the direction of east to west and east-south to north-west as demarcated at site and shown on the index plan and passing through Rectangle/Field Numbers as per separate statement on next page.
Bhiwani	Bhiwani	Rajpura Kharkbari	3.27	
Bhiwani	Bhiwani	Bapura	1.30	
Total			10.31	

Statement showing khasta number fields number for land to be acquired for extension of Rajpura Sub-Minor from R.D. 6500 to R.D. 16000 in village Tigrana, Rajpura Kharkhari and Bapura in tehsil Bhiwani, district Bhiwani.

Name of Village	Tehsil	District	Hadbast No.	Rectangle No.	Field Nos.
Tigrana	Bhiwani	Bhiwani	10	188	16
				189	21
				224	1, 2, 9, 12, 13, 18, 23, 24
				228	4, 6, 7, 15, 16
				229	20, 21, 22
				261	2, 8, 9, 13, 17, 18, 24
				263	3, 5, 6, 15
				264	20, 21, 19, 22, 18, 23, 17, 24, 16, 25
				292	6
				291	11, 12
Rajpura Kharkhari	Bhiwani	Bhiwani	23	1	21
				2	21, 22, 23
				4	3, 4, 7, 6, 15
				3	11, 19, 20, 18, 23, 24
				13	4, 5
Bapura	Bhiwani	Bhiwani	24	147	4, 6, 15
				148	11, 20, 22, 23
				149	2, 3, 8, 13, 14, 16, 17, 24

The 13th July, 1977

No. 6131/44W/4-M.—Whereas the Governor of Haryana is satisfied that the land specified below is needed urgently by the Government, at public expenses, namely, for Extension Dang Minor from R.D. 80250 to Tail R.D. 88000 in village Sagban, Rewasa and Kharkari Sohan in tehsil Bhiwani, district Bhiwani, for which a notification has been issued under sub-section (4) of section 17 read with clause (c) of sub-section (2) of section 17 of the said act and published,—vide Haryana Government Notification No. 814/44W/4M, dated 1st February, 1977, in Haryana Government Gazette, Part I. It is hereby declared that the land described in the specification below is required urgently for the above purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1891, for the information of all to whom it may concern.

The plans of the land may be inspected in the offices of the Land Acquisition Collector, P.W.D. (Irrigation Department), Rohtak and the Executive Engineer, Bhiwani Irrigation Division, Bhiwani.

SPECIFICATIONS

District	Tehsil	Name of Village	Area in Acres	Boundary
Bhiwani	Bhiwani	Sagban Rewasa Kharkari Sohan	7.8 1.43 1.43 5.08	A strip of land 7,750 feet in length varying in width lying generally in the direction from south-east to north-west as demarcated at site and shown on the Index Plan and passing through rectangle/field number as per separate statement on next page.

Statement showing Khasra number/field number for land proposed to be acquired for Extension Dang Minor from R.D. 80250 to tail R.D. 88000 in village Sagwan, Rewasa, Kharkari Sohan in tehsil Bhiwani, district Bhiwani.

S. No.	Name of Village	Tehsil	District	Hadbast No.	Rectangle Nos.	Field Nos.
1.	Sagwan	Bhiwani	Bhiwani	31	211 212	16/1, 16/2, 17, 18 18/1, 18/2, 19/1, 19/2, 20/1, 20/2
2.	Rewasa	Bhiwani	Bhiwani	30	3 4 5 6 7 8	15 11, 12, 18, 19, 20, 23, 24, 25 21, 22, 23, 24, 25 21, 22, 23, 24, 25 16, 17, 18, 19, 20, 21, 22, 23, 24 17, 18, 19, 20
3.	Kharkari Sohan	Bhiwani	Bhiwani	39	48 49 80 81 82	21 25 5 1, 2, 3, 6, 7, 8, 9, 14, 15 11

By order of Governor of Haryana,

S. K. BARMAN.

Superintending Engineer,
Bhiwani Irrigation Circle,
Bhiwani.

The 21st July, 1977

No. 14654.—Whereas it appears to the Governor of Haryana that land specified below is needed by the Government, at public expenses, for a public purpose, namely, for Constructing Pandwan Minor from R.D. 0 to tail R.D. 13500 taking off at R.D. 21000—right of Indira Gandhi Canal in villages Kheribura, Charkhi, Pandwan, Birhi Khurd and Birhi Kalan in tehsil Dadri, district Bhiwani. It is hereby notified that the land in the locality specified below is to be acquired for the above purpose.

The above notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, for the information of all to whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana hereby authorised the officers of Irrigation Department or the time being engaged in the undertaking along with their servants, workmen, etc., to enter upon survey land in the locality and do all other acts required or permitted by that section.

Further whereas the Governor of Haryana is satisfied that the land is required for Constructing Pandwan Minor from R.D. 0 to Tail R.D. 13500 which is of very urgent importance within the meaning of clause (c) of sub-section (2) of section 17 of the said act and whereas the Governor of Haryana is of the opinion that the provision of sub-section (2) of the said section are thus applicable, it is hereby directed under sub-section (4) of section 17 of the said act that the provisions of section 5-A of the said act shall not apply in regard to this acquisition.

SPECIFICATION

District	Tehsil	Village	Area in acres	Had-bast No.	Boundary
Bhiwani	Dadri	Kheribura	3.31	144	A strip of land measuring 13,500 feet in length and varying in widths passing through khasra numbers as below:-
					8
					1. 10, $\frac{11}{1}$, $\frac{9}{1}$, $\frac{9}{2}$, 8, $\frac{13}{1}$, $\frac{13}{2}$,
					12, $\frac{12}{2}$, 18, $\frac{14}{1}$, $\frac{14}{2}$, 17
					2
					23, 24 $\frac{25}{1}$, 21, 22
					9
					3, 4, $\frac{5}{1}$, $\frac{5}{2}$, $\frac{6}{1}$, $\frac{6}{2}$,
					1
					22, 23, 24, 25,
					10
					1, 2, 3, 3, 4, 5 $\frac{88.89}{1 \ 2}$
Do	Do	Charkhi	2.11	143	164
					18, 19, 20, 23
					163
					21 $\frac{888.}{2}$, 16
					194
					1, 10
					195
					3, 4, 5, 6, 7, 8
Do	Do	Pandwan	4.77	96	100
					3, 8, 9, $\frac{10}{1}$, $\frac{10}{2}$, 11, 12 $\frac{517}{}$

District	Tehsil	Village	Area in acres	Had- bast No.	Boundary
Bhiwani	Dadri	Pandwan— <i>concld</i>	4.77— <i>concld</i>	96— <i>concld</i>	101 6, 12, 13, 14, 15, 16, 17, 18. $\frac{19}{1}, \frac{19}{2}$, 20, 21
					102 16, 25, 17, 24, 18, $\frac{23}{1}, \frac{23}{2}, \frac{22}{1}, \frac{22}{2}$, 516
					102 $\frac{21}{1}, \frac{21}{2}$, .
					108 $\frac{1}{1}, \frac{2}{2}, \frac{3}{3}$
					107 3, $\frac{4}{1}, \frac{4}{2}$, 5
					103 $\frac{24}{1}, \frac{24}{2}, 25$
Do	Do	Birhi Khurd	1.63	95	52 2, 3, 4, 7, 8, 9, 10, 11
					51 $\frac{6}{1}, \frac{7}{2}$
					50 $\frac{17}{1}, \frac{18}{2}$
Do	Do	Birhi Kalan	6.91	93	151 5, 8, 9, 4, 3
					150 $\frac{1}{2}, \frac{2}{2}, \frac{3}{2}, \frac{4}{2}, 7, 8, \frac{9}{1}, 10, \frac{9}{2}, \frac{9}{3}$
					130 23, 24, 25
					149 $\frac{1}{2}, \frac{2}{2}, \frac{3}{2}, \frac{4}{2}, \frac{5}{2}, 6, 7, 8, \frac{9}{1}, 10$ 182, 183, 184, 181

District	Tehsil	Village	Area in acres	H. B. No.	Boundary
Bhiwani	Dadri	Birhi Kalan— <i>concld</i>	6.91— <i>concld</i>	93— <i>concld</i>	129
					$\frac{23}{21, 22, -}, \frac{23}{1}, \frac{16}{24, 25, 2}, \frac{16}{3}, \frac{16}{1}, \frac{15}{1}$
					128
					$\frac{13}{7, 8, 11, 12, 1}, \frac{13}{2}, \frac{14}{1}, \frac{14}{2}, 9,$
					$\frac{15}{1}, \frac{15}{2}, 18, 19, 20,$
					152
					180, —, and generally lying in the direction
			Total: 18.73		$\frac{1}{1, 2}$
					from South-East to North-West and then North-East to South-West as demarcated at site and as shown on the Index Plan.

No. 14662.—Whereas it appears to the Governor of Haryana that land specified below is needed by the Government, at public expenses, for a public purpose, namely, for installing Birhi Kiln number 4 along pucca approach road from Dadri-Loharu road to village Mehra opposite kilometre stone 0/4 in village Birhi Kalan in tehsil Dadri, district Bhiwani, it is hereby notified that the land in the locality specified below is to be acquired for the above purpose.

The above notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, for the information of all to whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana hereby authorises the officers of Irrigation Department for the time being engaged in the undertaking along with their servants, workmen, etc., to enter upon and survey land in the locality and do all other acts required or permitted by that section.

Further whereas the Governor of Haryana is satisfied that the land is required for installing Birhi Kiln, which is of very urgent importance within the meaning of clause (C) of sub-section (2) of section 17 of the said Act and whereas the Governor of Haryana is of the opinion that the provisions of sub-section (2) of the said section are thus applicable, it is hereby directed under sub-section 4) of section 17 of the said Act that the provisions of section 5-A of the said Act shall not apply (in regard to this acquisition).

i SPECIFICATION

District	Tehsil	Village	Area in acres	Habdast No.	Boundary
Bhiwani	Dadri	Birhi Kalan	9.43	93	A plot of land comprising of full fielded numbers 161
					$\frac{6}{1}, \frac{6}{2}, 15, 16$
					and part field numbers 161
					$4, 5, 7, 14, 17, 18, 24, 25$

District	Tehsil	Village	Area in acres	Hadbast No.	Boundary
Bhiwani	Dadri	Birhi Kalan— <i>concl'd</i>	9.43— <i>concl'd</i>	93— <i>concl'd</i>	160 _____, in village Birhi 10, 11, 20, 21 Kalan in tehsil Dadri, district Bhiwani as shown on the Index Plan and as demarcated at site.

(Sd.) . . .
Superintending Engineer,
Indira Gandhi Canal Circle,
Rohtak.

LABOUR DEPARTMENT

The 22nd July, 1977

No. 7651-3 Lab-77/19526.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. 1947) the Governor of Haryana, is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s. Avon Scales Company, Sonepat.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK .

Reference No. 55 of 1976

between

SHRI INDRASAN, WORKMAN AND THE MANAGEMENT OF M/S. AVON SCALES
COMPANY, SONEPAT

AWARD

By order No. ID/RK/271-B-76/24763, dated 22nd July, 1976, the Governor of Haryana referred the following dispute between the management of M/s Avon Scales Company, Sonepat and its workman Shri Indrasan to this Court for adjudication in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947: —

Whether the termination of services of Shri Indrasan was justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in this Court in response to the usual notices or reference sent to them and filed their pleadings.

The workman alleged,—*vide* claim statement filed by him in conformity with the notice of demand served by him on the management that the services as a helper, had been terminated by the management illegally with effect from 3rd May, 1976 and that he was entitled to reinstatement with continuity of service and full back wages. He stated that he was drawing Rs. 160 P.M. as his wages on the date of termination of his services.

The management pleaded,—*vide* written statement filed by them that the claim statement filed under the signatures of Shri Ram Sarup Lakra authorised representative for the workman, without the signatures of the later, was illegal and liable to be ignored and that Shri Ram Sarup Lakra was neither a workman of the trade nor an office bearer of the Union of the workman of the management wherein the workman concerned was employed and the reference was bad in law on that ground as well. They further resisted the demand served on them on the ground that the workman had not taken steps to patch up the differences leading to the reference and that he had been employed purely as temporary basis for a specific period and his services came to an end automatically on 3rd May, 1976 the date of the expiry of the period.

The workman reiterated the allegations made by him in the claim statement and controverted the pleas of the management concerned,—*vide* rejoinder filed by him with the result that the following issues were framed by me on pleas of the parties,—*vide* order, dated 4th April, 1977: —

1. Whether the reference is bad in law and is liable to be rejected for the preliminary objection Nos. 1 and 3?

2. Whether the workman was employed on temporary basis for a certain specific period, and his services came to an end on the expiry of that period?
3. If not, whether the termination of services of Shri Indrasan was justified and in order? If not to what relief is he entitled?

I have heard authorised representative of the parties and seen the record. I decide the issue as under :—

Issue No. 1

No provisions of law could be referred to me by Shri D. C. Gandhi authorised representative of the management concerned in support of the plea that it was necessary for the workman to try to patch up the differences leading to the reference before raising a demand or that it was obligatory on him to file a claim statement under his signatures. He on the other hand had to concede that the Industrial Disputes Punjab Rules 1958 as now applicable to the State of Haryana did not provide for the filing of the claim statement by the workman at all, I, thus decide this issue against the management.

Issue No. 2

It is significant to note that the management did not attach the documents Exhibit M-1 to M-6 or their copies along with the written statement on 4th November, 1976 and that they brought these documents on record for the first time on 3rd May, 1977 when Shri B. D. Bhutani their Works Manager appeared as a witness and deposed that Shri Indrasan concerned workman was initially employed as a learner and that his period of learnership expired on 31st March, 1976 and that on an application Exhibit M-1 allegedly bearing the thumb impression of the workman having been putup before him for necessary orders he recommended as a special case the temporary appointment of the workman until 3rd May, 1976,—*vide* his endorsement Exhibit M-1/A and that the management issued an appointment letter Exhibit M-2 for the limited period from 1st April, 1976 to 3rd May, 1976 and that the workman concerned received his dues payable to him,—*vide* Vouchers M-3 to M-6 on 7th May, 1976. None of the documents Exhibit M-1 to M-6 was even relied upon by the management at the proper stage and the admission of the documents in evidence at a late stage was strongly opposed by the workman concerned who denied having submitted of an application Exhibit M-1 with a request that his appointment as a learner be extended until 7th May, 1976 as the period of his appointment as a learner would expire on 31st March, 1976. He specifically gave out that he was an illiterate person and his thumb impression was obtained by the management on a document fraudulently without telling him its contents and his services were verbally terminated without sufficient cause. He even denied having worked as a learner with the management for a period of 1½ years and stressed that he worked as a labourer from the begining.

No explanation having been given by the management for late production of the documents and their non reliance on the same at a proper stage, there is a lot of suspicion in respect of their genuiness, particularly when the workman denied having thumb marked the application Exhibit M-1 and the appointment letter Exhibit M-2 and the Vouchers Exhibit M-3 to M-6.

All these documents further remained unproved and there is not an iota of evidence on record that the workman concerned thumb marked the same, so much so even Shri B. D. Bhutani the lone witness examined by the management did not say a word that the application Exhibit M-1 was submitted by the workman and documents Exhibit M-1 to M-6 bore his thumb impression. All these documents thus remained on record unproved and do not constitute legal evidence. The possibility of all these documents being fabricated by the management cannot be ruled out. The statement of Shri B. D. Bhutani MW-1 is at any rate found well rebutted by the evidence of Shri Indrasan workman and there is nothing special on record justifying putting reliance on the statement of the former in preference to that of the later. There is yet another circumstance leading me to suspect the genuiness of the application Exhibit M-1 allegedly made by the workman with a request for extention of the period of his service till 7th May, 1976. Firstly this application is inherently unnatural in as much as no workman would in the ordinary course request for extention of his service for only a month or so when he wanted to resign his job and secondly the failure of the management to mention such an application in the written statement at a proper stage, well supports the case of the workman that this and the appointment letter Exhibit M-2 are an after thought and fabricated documents. The management have not cared even to get them thumb impression of the workman allegedly appearing on these documents, compared with his specimen thumb impression to establish that these documents actually bore his thumb impression. Taken from any angle the documents Exhibit M-1 to M-6 are all suspicious and inspire no confidence and are any rate insufficient to prove the plea of the management at covered by this issue. The management led no evidence to prove that the workman was ever their employee as a learner.

I, accordingly placing no reliance on the testimony of Shri B. D. Bhutani for the reasons stated by me and in details above hold and decide this issue against the management with a finding that he had been employed as a helper on regular basis from the very start of his service.

Issue No. 3

In view of my findings on issue No. 2 the management obviously terminated the services of the workman illegally and he is entitled to reinstatement with continuity of service and full back wages. I accordingly answer the reference while returning the award in those terms.

Dated the 13th July, 1977

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1478, dated 16th July, 1977

Forwarded (four copies), to the Secretary to Government Haryana, Labour and Employment Departments Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 7651-B-3Lab.-77/19528.—In pursuance of the provisions of section 17 of the Industrial Disputes Act 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Avon Scales Company, Sonepat.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA,

ROHTAK

Reference No. 54 of 1976

between

SHRI L. N. SHARMA WORKMAN AND THE MANAGEMENT OF M/S AVON SCALES COMPANY
SONEPAT

AWARD

By order No. ID/RK/377/24803, dated 22nd July, 1977, the Governor of Haryana referred the following dispute between the management of M/s Avon Scales Company, Sonepat and its workman Shri L. N. Sharma, to this Court for adjudication in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri L. N. Sharma was justified and in order ? If not, to what relief is he entitled. ?

The parties put in their appearance in this Court in response to the usual notices of reference sent to them and filed their pleadings.

The workman alleged,—*vide* claim statement filed by him in conformity with the notice of demand served on the management that the latter terminated his services illegally, without holding any enquiry with effect from 10th February, 1976, after he had been charge-sheeted on 9th February, 1976 and that he was entitled to reinstatement with continuity of service and full back wages.

The management pleaded,—*vide* written statement filed by them that the claim statement filed under the signatures of Shri Ram Sarup Lakra authorised representative for the workman, without the signatures of the latter, was illegal and liable to be ignored and that Shri Ram Sarup Lakra was neither a workman of the trade nor an office bearer of the Union of the workmen of the management wherein the workman concerned was employed and the reference was bad in law on that ground as well. They further resisted the demand served on them on the ground that the workman had not taken steps to patch up the differences leading to the reference. They denied the allegations that they terminated his services and pleaded that he abandoned his job voluntarily with effect from 10th February 1976 by way of absenting himself from duty to avoid an enquiry intended to be initiated against him on the charge sheets dated 13th January, 1976, 24th January and 9th February, 1976.

The workman reiterated the allegations made by him in the claim statement and controverted the plea of the management,—*vide rejoinder* filed by him with the result that the following issues were framed by me on pleas of the parties,—*vide my order dated 4th January, 1977* :—

- (1) Whether the reference is bad in law and is liable to be dismissed for the preliminary objections No. 1 and 2 of the written statement ?
- (2) Whether the workman abandoned his job voluntarily by absenting himself from duty with effect from 10th February, 1976 ?
- (3) If not, whether the termination of the services of Shri L. N. Sharma was justified and in order? If not, to what relief is he entitled ?

I have heard authorised representative of the parties and seen the record. I decide the issues as under :—

Issue No. 1—

No provisions of law could be referred to me by Shri D. C. Gandhi authorised representative of the management concerned in support of the plea that it was necessary for the workman to try to patch up the differences leading to the reference before raising a demand or that it was obligatory on him to file a claim statement under his signatures. He on the other hand had to concede that the Industrial Disputes Punjab rules 1958 as now applicable to the State of Haryana did not provide for filing of the claim statement by the workman at all. I, thus decide this issue against the management.

Issue No. 2—

The management in order to discharge the burden of this issue so heavily placed on them examined Shri B. D. Bhutani their work Manager who deposed that the workman was served charge-sheets copy M-1, dated 13th January, 1976, M-3, dated 24th January, M-5, dated 6th February, 1976 and that he filed his replies M-2, M-4 and M-6 denying the allegations and absented himself from duty with effect from 10th February, 1976 and did not turn up thereafter. The management led no other evidence.

The workman appearing as his own witness emphatically denied the allegations that he abandoned his job by absenting himself from duty with effect from 10th February, 1976. He gave out that he fell ill during February, 1976 and applied for leave on medical ground while attaching an E.S.I. hospital certificate with his application and that he attended his duties on the expiry of his leave of two days but the management marked him absent and refused to take him on duty the next day. He admitted that he was served with charge sheet Ex. M-1, M-3 and M-5 in January and February, 1976.

It would thus appear that the solitary statement of Shri B. D. Bhutani Works Manager made by him in support of the plea covered by this issue was firmly rebutted by the workman by his own statement and there is nothing on record justifying giving his statement preference over that of the workman. It is further significant to note that despite the admitted fact of the management serving as many as three charge sheets on the workman, they did not initiate enquiry in respect of them. This circumstance leads to an inference that they did not themselves rely on the allegations levelled against the workman,—*vide charge sheets referred to above relating to his having caused damage to their property and negligence etc.* Charge-sheet copy Ex. M-5 needs a special mention in as much as the management did not rely on even the medical certificate of the E.S.I. authority Ex. MX submitted by the workman relating to his ailment from 3rd February, 1976 to 5th February, 1976 and charged him for his pretending to be sick and obtained the medical certificate fraudulently. The management did not pursue even this charge-sheet and the procedure adopted by them in charge-sheeting him over and over again without initiating any enquiry lends support to the allegations of the workman that they were out to victimise him on one ground or the other and finally shut his entry in the factory on 10th February, 1976 unjustifiably and thus illegally terminated his services.

I, thus for the reasons stated above place no reliance on the solitary statement of Shri B. D. Bhutani and hold and decide this issue against the management.

Issue No 3—

In view of my findings on issue No. 2 this is manifestly a case of illegal termination of the workman by the management with effect from 10th February, 1976 and he is entitled to reinstate with continuity of service and full back wages. I, decide this issue accordingly and answer the reference while returning the award in these terms.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana, Rohtak.

Dated the 13th July, 1977.

No. 1477, dated 16th July, 1977.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 7650-3Lab-77/19530.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana, is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Jai Bharat Pottery, Bahadurgarh.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 12 of 1977

between

SHRI SHIV NATH, WORKMAN AND THE MANAGEMENT OF M/S JAI BHARAT
POTTERY, BAHADURGARH

AWARD

By order No. ID/RK-462-A-77//20107, dated 23rd May, 1977 the Governor of Haryana referred the following dispute between the management of M/s Jai Bharat Pottery, Bahadurgarh and its workman Shri Shiv Nath, to this Court, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Shiv Nath was justified and in order? If not, to what relief is he entitled?

Whereas Shri Dhan Singh authorised representative of the workman put in his appearance in this Court on 8th June, 1977 the date of hearing fixed in the case, in response to the usual notices of reference sent to the later, the management failed to appear despite service of such notices sent to them through registered post acknowledgement due for their appearance on that date, with the result that *ex parte* proceedings were taken up against them and Shri Dhan Singh was directed to adduce *ex parte* evidence on 8th July, 1977 the next date of hearing. Shri Shiv Nath workman appeared as his own witness in *ex parte* evidence and deposed that he was an employee of the management concerned as a Mistry w.e.f. 13th May, 1972 on wages of Rs. 175 P. M. and that the later illegally terminated his services w.e.f. 25th August, 1976 without sufficient cause and without holding an enquiry.

I, see no reasons to disbelieve the *ex parte* statement of the workman particularly when the management have not taken care to defend the demand served on them by him for his reinstatement on the ground of illegal termination of his services and the proceedings against them are *ex parte*. I, thus relying on his evidence hold that the termination of his services by the management w.e.f. 25th August, 1976 is illegal and unjustified and he is entitled to reinstatement with continuity of service and full back wages. I, answer the reference while returning the award in these terms.

Dated the 14th July, 1977.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1479, dated 16th July, 1977

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.